

## COMMISSION HEARING OFFICER DIRECTIVE

ADMINISTRATIVE  
MATTERS

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DATE

August 10, 2010

MOTOR CARRIER MATTERS

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DOCKET  
NO.

2010-154-C  
2010-155-C

UTILITIES MATTERS

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ORDER NO.

N/A

**HEARING  
OFFICER:**

**B. Randall Dong**

### DOCKET DESCRIPTION:

Petition for Arbitration of Interconnection Agreement between Bellsouth Telecommunications, Incorporated d/b/a AT&T South Carolina and Sprint Spectrum L.P., Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners

Petition for Arbitration of Interconnection Agreement between Bellsouth Telecommunications, Incorporated d/b/a AT&T South Carolina and Sprint Communications Company L.P.

### MATTERS UNDER CONSIDERATION:

Joint Motion on Procedure and Scheduling

### HEARING OFFICER ACTION:

The parties have jointly requested that the following discovery procedures be adopted in these arbitration proceedings:

Discovery shall begin on the date of this Directive. No new discovery requests shall be propounded after December 20, 2010 in preparation for the South Carolina arbitration hearing, which the Parties propose to occur on February 22-24, 2011, and which dates are repeated below.

1. Written discovery shall be limited to a total of 100 distinct discovery requests of any type from each party for all arbitrations pending or to be filed in the Arbitration Proceeding States. Parts and subparts of a request shall be counted as separate requests. A given request shall be counted as a single request even though it may seek information regarding more than one Arbitration Proceeding State or (insofar as the Parties may be required to propound or file discovery in more than one state covered by the stipulation) has been propounded in more than one state.
2. The Parties believe written discovery, pre-filed testimony and the record through and including the arbitration hearings will create a sufficient record for the respective Commissions to render arbitration decisions and, therefore, agree that neither Party will initiate deposition discovery. If a Commission Staff or statutory advocate seeks deposition discovery despite the Parties' agreement not to initiate deposition discovery, the Parties will jointly request that such deposition discovery be coordinated with deposition discovery sought in any other state so that such discovery is:

- a. Limited to witnesses who have submitted testimony in the arbitration;
  - b. Limited to one deposition per witness for all proceedings; and,
  - c. Conducted at mutually acceptable locations, times and dates for witness depositions.
3. Responses to discovery propounded in one state (including discovery propounded by the Office of Regulatory Staff) shall be treated as if produced in all states covered by this stipulation. Any time before the close of the arbitration hearing record in a given state, either party may file and move for admission of discovery responses propounded in another state, and the non-filing party shall not object to the admission of such discovery on the basis that the discovery was propounded and answered in another state. Notwithstanding the foregoing, the Parties reserve their right to object to admissibility based on any other grounds.
4. Objections to discovery shall be served within 10 calendar days of service of the request.
5. Responses to discovery shall be served within 21 calendar days of service of the request.
6. Requests and responses shall be served electronically, with hard copies to follow.
7. The Parties agree to use a mutually acceptable regional protective agreement for use in the proceedings.

Additionally, the Parties have jointly requested the following modifications to the existing schedule:

1. The proposed hearing dates are February 22 – February 24. Attorneys for the parties shall gather early on the first date of the hearing to discuss any outstanding procedural issues.
2. The Parties shall simultaneously prefile direct testimony no later than November 15, 2010.
3. The Parties shall simultaneously prefile rebuttal testimony no later than December 13, 2010
4. To the extent possible but contingent upon the receipt of the transcript, the Parties propose that post-hearing direct briefs be filed on March 21, 2011 and reply briefs be filed on April 21, 2011.

The Hearing Officer grants the requested relief. Commission Staff is directed to establish a schedule for filing testimony and setting a hearing in these Dockets consistent with the above.